UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/610
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 101

# CRIME PREVENTION AND CRIMINAL JUSTICE

## Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

## I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Crime prevention and criminal justice" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 102 and 158 at its 5th to 10th, 12th, 16th to 18th, 20th, 26th and 40th meetings, on 18, 21 to 23 and 28 to 31 October and 6 and 15 November 1996. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/51/SR.5-10, 12, 16-18, 20, 26 and 40).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 1996 (A/51/3, parts I, II and II);

(b) Report of the Secretary-General on implementation of General Assembly resolutions 50/145 and 50/146 (A/51/327);

(c) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/51/450);

(d) Letter dated 5 July 1996 from the Permanent Representative of France to the United Nations addressed to the Secretary-General transmitting the final documents of the summit meeting of the group of seven major industrialized countries, held at Lyon, France, from 27 to 29 June 1996 (A/51/208-S/1996/543);

(e) Letter dated 12 September 1996 from the Permanent Representative of the Marshall Islands to the United Nations addressed to the Secretary-General transmitting the Forum Communiqué, adopted by the twenty-seventh South Pacific Forum, held at Majuro from 3 to 5 September 1996 (A/51/357);

(f) Letter dated 4 October 1996 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General transmitting the Ministerial Declaration of the Group of 77 and China, adopted at the twentieth meeting of the Ministers for Foreign Affairs of the Group of 77, held in New York on 27 September 1996 (A/51/471);

(g) Letter dated 28 October 1996 from the Permanent Representatives of Hungary, Italy and Slovenia to the United Nations addressed to the Secretary-General transmitting a joint declaration issued at Rome on 23 October 1996 by their Foreign Ministers (A/51/649-S/1996/901).

4. At the 5th meeting, on 18 October, the Under-Secretary-General and Director-General of the United Nations Office at Vienna made an introductory statement (see A/C.3/51/SR.5).

5. At the 12th meeting, on 23 October, the Under-Secretary-General and Director-General of the United Nations Office at Vienna made concluding remarks (see A/C.3/51/SR.12).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/51/L.2

6. By its resolution 1996/8, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Action against corruption" (A/C.3/51/L.2).

7. At its 20th meeting, on 31 October, the Committee had before it the text of that draft resolution.

8. At the same meeting, the Secretary of the Committee orally revised the draft resolution as follows: in the fourth preambular paragraph, the words "to developing countries and countries with economies in transition" were deleted.

9. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.2, as orally revised, without a vote (see para. 32, draft resolution I).

10. After the adoption of the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.3/51/SR.20).

B. Draft resolution A/C.3/51/L.3 and amendment to A/C.3/51/L.3 contained in document A/C.3/51/L.5 and draft resolution A/C.3/51/L.11

11. By its resolution 1996/9, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "United Nations Declaration on Crime and Public Security" (A/C.3/51/L.3), which read:

"The General Assembly,

"Convinced that the adoption of a declaration on crime and public security will contribute to the enhancement of the struggle against serious transnational crime,

"1. Approves the United Nations Declaration on Crime and Public Security, the text of which is annexed to the present resolution;

"2. Urges Member States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to combat serious transnational crime;

"3. Invites the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration;

"4. Urges Member States to make every effort in order that the Declaration becomes generally known and is observed and implemented in full in accordance with their respective national legislation;

"5. Invites Member States to promote public campaigns, including the use of mass media, that stimulate public awareness of and participation in the process of crime prevention and promotion of public security.

"ANNEX

"United Nations Declaration on Crime and Public Security

"The General Assembly,

"Solemnly proclaims the following United Nations Declaration on Crime and Public Security:

"Article 1

"Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdictions by taking effective national measures to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes

and the laundering of proceeds from serious crimes, and shall pledge their mutual cooperation in those efforts.

"Article 2

"Member States shall promote bilateral, regional multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on an international basis.

"Article 3

"Member States shall take measures to prevent support for and operations of criminal organizations in their national territories. Member States shall, to the fullest possible extent, provide for effective extradition or prosecution of those who engage in serious transnational crimes in order that they find no safe haven.

"Article 4

"Mutual cooperation and assistance in matters concerning serious transnational crime shall also include, as appropriate, the strengthening of systems for the sharing of information among Member States and the provision of bilateral and multilateral technical assistance to Member States by utilizing training, exchange programmes and law enforcement training academies and criminal justice institutes at the international level.

"Article 5

"Member States that have not yet done so are urged to become parties as soon as possible to the principal existing international treaties relating to various aspects of the problem of international terrorism. States parties shall effectively implement their provisions in order to fight against terrorist crimes. Member States shall also take measures to implement General Assembly resolution 49/60 of 9 December 1994 on measures to eliminate international terrorism and its annex containing the Declaration on Measures to Eliminate International Terrorism.

"Article 6

"Member States that have not yet done so are urged to become parties to the international drug control conventions as soon as possible. States parties shall effectively implement the provisions of the Single Convention

on Narcotic Drugs of 1961,[1] that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,[2] the Convention on Psychotropic Substances of 1971,[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[4] Member States specifically reaffirm that, on the basis of shared responsibility, they shall take all necessary preventive and enforcement measures to eliminate the illicit production of, trafficking in, and distribution and consumption of narcotic drugs and psychotropic substances, including measures to facilitate the fight against those criminals involved in this type of transnational organized crime.

"Article 7

"Member States shall take measures within their national jurisdictions to improve their ability to detect and interdict the movement across borders of those who engage in serious transnational crime, as well as the instrumentalities of such crime, and shall take effective specific measures to protect their territorial boundaries, such as:

"(a) Adopting effective controls on explosives and against illicit trafficking by criminals in certain materials and their components that are specifically designed for use in manufacturing nuclear, biological or chemical weapons and, in order to lessen risks arising from such trafficking, by becoming party to and fully implementing all relevant international treaties relating to weapons of mass destruction;

"(b) Strengthening supervision of passport issuance and enhancement of protection against tampering and counterfeiting;

"(c) Strengthening enforcement of regulations on illicit transnational trafficking in firearms, with a view to both suppressing the use of firearms in criminal activities and reducing the likelihood of fuelling deadly conflict;

"(d) Coordinating measures and exchanging information to combat the organized criminal smuggling of persons across national borders.

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[1] United Nations, Treaty Series, vol. 520, No. 7515.

[2] Ibid., vol. 976, No. 14152.

[3] Ibid., vol. 1019, No. 14956.

[4] Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

"Article 8

"To combat further the transnational flow of the proceeds of crime, Member States agree to adopt measures, as appropriate, to combat the concealment or disguise of the true origin of proceeds of serious transnational crime and the intentional conversion or transfer of such proceeds for that purpose. Member States agree to require adequate record-keeping by financial and related institutions and, as appropriate, the reporting of suspicious transactions, and to ensure effective laws and procedures to permit the seizure and forfeiture of the proceeds of serious transnational crime. Member States recognize the need to limit the application of bank secrecy laws, if any, with respect to criminal operations, and to obtain the cooperation of the financial institutions in detecting these and any other operations which may be used for the purpose of money-laundering.

"Article 9

"Member States agree to take steps to strengthen the overall professionalism of their criminal justice, law enforcement and victim assistance systems, and relevant regulatory authorities, through measures such as training, resource allocation and arrangements for technical assistance with other States, and to promote the involvement of all elements of their societies in combating and preventing serious transnational crime.

"Article 10

"Member States agree to combat and prohibit corruption and bribery, which undermine the legal foundations of civil society, by enforcing applicable domestic laws against such activity. For this purpose Member States also agree to consider developing concerted measures for international cooperation to curb corrupt practices, as well as developing technical expertise to prevent and control corruption.

"Article 11

"Actions taken in furtherance of this Declaration shall fully respect the national sovereignty and territorial jurisdiction of Member States as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms as recognized by the United Nations."

12. At the 16th meeting, on 28 October, the representative of Lebanon introduced an amendment to draft resolution A/C.3/51/L.3 (A/C.3/51/L.5), by which the following first preambular paragraph was added:

"Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations".

13. At its 26th meeting, on 6 November, the Committee had before it a draft resolution entitled "United Nations Declaration on Crime and Public Security" submitted by the Chairperson on the basis of informal consultations held on the draft resolution contained in document A/C.3/51/L.3, which had been recommended to the General Assembly by the Economic and Social Council in its resolution 1996/9, and the amendment thereto contained in document A/C.3/51/L.5.

14. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.11 without a vote (see para. 32, draft resolution II).

15. At the same meeting, in view of the adoption of the draft resolution, the amendment contained in document A/C.3/51/L.5 was withdrawn by its sponsor.

16. At the same meeting, in view of the adoption of the draft resolution and on the proposal of the Chairperson, the Committee took no action on draft resolution A/C.3/51/L.3.

## C. Draft resolution A/C.3/51/L.6

17. At the 17th meeting, on 29 October, the representative of Burundi, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" (A/C.3/51/L.6).

18. At the same meeting, the representative of Burundi orally revised the draft resolution as follows:

(a) In operative paragraph 3, the words "effectively follow up, monitor and evaluate the implementation of all operational aspects of the decisions of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders as well as other relevant decisions of the General Assembly" were replaced with the words "fulfil its mandate";

(b) A new operative paragraph 5 was added to the draft resolution which read as follows:

> "5. Also requests the Secretary-General to enhance regional cooperation, coordination and collaboration on the fight against crime, especially in its transnational dimensions, which could not be adequately dealt with by national action alone"

and the subsequent paragraphs were renumbered accordingly;

(c) In operative paragraph 6 (former para. 5), the words "intergovernmental and" were deleted.

19. At the 20th meeting, on 31 October, the representative of Burundi, on behalf of the States Members of the United Nations that are members of the Group of African States, further orally revised the draft resolution as follows: in

operative paragraph 7 (former para. 6), the word "possible" was inserted after the word "every".

20. At the same meeting, the representative of Egypt made a statement (see A/C.3/51/SR.20).

21. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.6, as orally revised (see para. 32, draft resolution III).

## D. Draft resolution A/C.3/51/L.7 and Rev.1

22. At the 18th meeting, on 30 October, the representative of Cuba introduced a draft resolution entitled "Measures for prevention of the smuggling of aliens by sea" (A/C.3/51/L.7), which read:

"The General Assembly,

"Recalling its resolution 48/102 of 20 December 1993 in which, inter alia, it condemns the practice of smuggling aliens and urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens,

"Recalling also Economic and Social Council resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

"Recalling also resolution A.773(18) of the Assembly of the International Maritime Organization, of 4 November 1993, concerning enhancement of safety of life at sea by the prevention and suppression of unsafe practices associated with alien smuggling by ships, which expresses great concern at incidents involving the smuggling of aliens on board ships and the serious problems associated with such activities for safety of life at sea,

"Concerned at the increasing activities of criminals and criminal organizations that profit illicitly by smuggling human beings, preying on the dignity and lives of migrants and adding to the complexity of the phenomenon of increasing international migration,

"Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities,

"Recognizing also that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

"Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

"Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

"Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the International Maritime Organization in responding to the requests from States for assistance in dealing with the smuggling of aliens,

"Emphasizing the importance of international cooperation and, in particular, the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

"1. Condemns the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants;

"2. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

"3. Requests States to share information, coordinate their law-enforcement activities, and cooperate to prevent the illegal transport by smugglers of third-country nationals by sea;

"4. Also requests States to cooperate to ensure the stricter application of the law by making laws and regulations on travel documents stricter, enhancing the control of borders, improving the requirements for registration of vessels, and applying the relevant international agreements;

"5. Requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens, and to ensure that prompt and effective action is taken against the smuggling of aliens by ship;

"6. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the smuggling of aliens;

"7. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international refugee law;

"8. Requests the Commission on Crime Prevention and Criminal Justice to give special attention to the question of the smuggling of aliens at its

sixth session, to be held in 1997, in order to encourage international cooperation to address this problem within the framework of its mandate;

"9. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations;

"10. Invites Member States and relevant specialized agencies and intergovernmental organizations which have not done so to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens;

"11. Requests the Secretary-General to report to the General Assembly on the measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens, and decides to consider this question at its fifty-second session under the item entitled 'Crime prevention and criminal justice'."

23. At its 40th meeting, on 15 November, the Committee had before it a revised draft resolution submitted by the same sponsor entitled "Measures for prevention of the smuggling of aliens" (A/C.3/51/L.7/Rev.1).

24. At the same meeting, the representative of Guatemala joined in sponsoring the draft resolution.

25. Also at the same meeting, the representative of Cuba orally revised operative paragraph 11 by inserting the word "and" between the words "international" and "national".

26. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 32, draft resolution IV).

## E. Draft resolution A/C.3/51/L.8

27. At the 16th meeting, on 28 October, the representative of Italy, on behalf of Argentina, Armenia, Austria, Belarus, Canada, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Egypt, France, Georgia, Germany, Greece, Guatemala, Iceland, Italy, Japan, Nigeria, Panama, Poland, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Tunisia, Turkey and Ukraine, introduced a draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity" (A/C.3/51/L.8). Subsequently, Australia, the Bahamas, Burundi, Cape Verde, Chile, Kyrgyzstan, Lesotho, Malta, Marshall Islands, the Philippines and Togo joined in sponsoring the draft resolution.

28. At the same meeting, the representative of Italy, on behalf of the sponsors, orally revised the draft resolution as follows: a new third preambular paragraph was added to the draft resolution, which read:

"Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes, such as

terrorist crimes, illicit arms trade and money-laundering, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect".

29. At the 20th meeting, on 31 October, statements were made by the representatives of the Syrian Arab Republic and Italy (see A/C.3/51/SR.20).

30. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.8, as orally revised, without a vote (see para. 32, draft resolution V).

31. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/51/SR.20).

## III. RECOMMENDATIONS OF THE THIRD COMMITTEE

32. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

### DRAFT RESOLUTION I

### Action against corruption

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption, adopted by the Organization of American States at the special conference held at Caracas from 27 to 29 March 1996,

Recalling also its resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991, and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994,

Recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session on public administration and development,

Recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Community, the Organisation for Economic Cooperation and Development and the Organization of American States,

1. Takes note of the report of the Secretary-General on action against corruption,[5] submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. Adopts the International Code of Conduct for Public Officials, annexed to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. Requests the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. Also requests the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

5. Further requests the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. Urges States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. Urges Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

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[5] E/CN.15/1996/5.

8. Requests the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. Also requests the Secretary-General, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to requesting Member States, in particular in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;

10. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

11. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

## ANNEX

## International Code of Conduct for Public Officials

### I. GENERAL PRINCIPLES

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently and effectively, in accordance with laws or administrative policies, and with integrity. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

### II. CONFLICTS OF INTEREST AND DISQUALIFICATION

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function, or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by the officials' position, shall in accordance with laws or administrative policies, declare business, commercial and financial interests, or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between public officials' duties and private interests they shall comply with the measures established to reduce or eliminate such conflict of interest.

6. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

## III. DISCLOSURE OF ASSETS

8. Public officials shall, in accord with the officials' position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

## IV. ACCEPTANCE OF GIFTS OR OTHER FAVOURS

9. Public officials shall not solicit or receive directly or indirectly any gift or other favours that may influence the exercise of their functions, performance of their duties or their judgement.

## V. CONFIDENTIAL INFORMATION

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall apply also after separation from service.

## VI. POLITICAL ACTIVITY

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

DRAFT RESOLUTION II

United Nations Declaration on Crime and Public Security

The General Assembly,

Convinced that the adoption of a declaration on crime and public security will contribute to the enhancement of the struggle against serious transnational crime,

1. Approves the United Nations Declaration on Crime and Public Security, as annexed to the present resolution;

2. Urges Member States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to combat serious transnational crime;

3. Invites the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration;

4. Urges Member States to make every effort to ensure that the Declaration becomes generally known and is observed and implemented in full in accordance with their respective national legislation;

5. Invites Member States to promote public campaigns, including the use of mass media, that stimulate public awareness of and participation in the process of crime prevention and promotion of public security.

ANNEX

United Nations Declaration on Crime and Public Security

The General Assembly,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[6] the Declaration on Measures to Eliminate International Terrorism[7] and the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[8]

Solemnly proclaims the following United Nations Declaration on Crime and Public Security:

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[6] Resolution 50/6.

[7] Resolution 49/60.

[8] A/50/433.

Article 1

Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdictions by taking effective national measures to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes, and shall pledge their mutual cooperation in those efforts.

Article 2

Member States shall promote bilateral, regional, multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on an international basis.

Article 3

Member States shall take measures to prevent support for and operations of criminal organizations in their national territories. Member States shall, to the fullest possible extent, provide for effective extradition or prosecution of those who engage in serious transnational crimes in order that they find no safe haven.

Article 4

Mutual cooperation and assistance in matters concerning serious transnational crime shall also include, as appropriate, the strengthening of systems for the sharing of information among Member States and the provision of bilateral and multilateral technical assistance to Member States by utilizing training, exchange programmes and law enforcement training academies and criminal justice institutes at the international level.

Article 5

Member States that have not yet done so are urged to become parties as soon as possible to the principal existing international treaties relating to various aspects of the problem of international terrorism. States parties shall effectively implement their provisions in order to fight against terrorist crimes. Member States shall also take measures to implement General Assembly resolution 49/60 of 9 December 1994 on measures to eliminate international terrorism and its annex containing the Declaration on Measures to Eliminate International Terrorism.

Article 6

Member States that have not yet done so are urged to become parties to the international drug control conventions as soon as possible. States parties shall effectively implement the provisions of the Single Convention on Narcotic Drugs of 1961,[9] that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,[10] the Convention on Psychotropic Substances of 1971,[11] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[12] Member States specifically reaffirm that, on the basis of shared responsibility, they shall take all necessary preventive and enforcement measures to eliminate the illicit production of, trafficking in and distribution and consumption of narcotic drugs and psychotropic substances, including measures to facilitate the fight against those criminals involved in this type of transnational organized crime.

Article 7

Member States shall take measures within their national jurisdictions to improve their ability to detect and interdict the movement across borders of those who engage in serious transnational crime, as well as the instrumentalities of such crime, and shall take effective specific measures to protect their territorial boundaries, such as:

(a) Adopting effective controls on explosives and against illicit trafficking by criminals in certain materials and their components that are specifically designed for use in manufacturing nuclear, biological or chemical weapons and, in order to lessen risks arising from such trafficking, by becoming party to and fully implementing all relevant international treaties relating to weapons of mass destruction;

(b) Strengthening supervision of passport issuance and enhancement of protection against tampering and counterfeiting;

(c) Strengthening enforcement of regulations on illicit transnational trafficking in firearms, with a view to both suppressing the use of firearms in criminal activities and reducing the likelihood of fuelling deadly conflict;

(d) Coordinating measures and exchanging information to combat the organized criminal smuggling of persons across national borders.

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[9] United Nations, Treaty Series, vol. 520, No. 7515.

[10] Ibid., vol. 976, No. 14152.

[11] Ibid., vol. 1019, No. 14956.

[12] Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

Article 8

To combat further the transnational flow of the proceeds of crime, Member States agree to adopt measures, as appropriate, to combat the concealment or disguise of the true origin of proceeds of serious transnational crime and the intentional conversion or transfer of such proceeds for that purpose. Member States agree to require adequate record-keeping by financial and related institutions and, as appropriate, the reporting of suspicious transactions, and to ensure effective laws and procedures to permit the seizure and forfeiture of the proceeds of serious transnational crime. Member States recognize the need to limit the application of bank secrecy laws, if any, with respect to criminal operations, and to obtain the cooperation of the financial institutions in detecting these and any other operations which may be used for the purpose of money-laundering.

Article 9

Member States agree to take steps to strengthen the overall professionalism of their criminal justice, law enforcement and victim assistance systems, and relevant regulatory authorities, through measures such as training, resource allocation and arrangements for technical assistance with other States, and to promote the involvement of all elements of their societies in combating and preventing serious transnational crime.

Article 10

Member States agree to combat and prohibit corruption and bribery, which undermine the legal foundations of civil society, by enforcing applicable domestic laws against such activity. For this purpose Member States also agree to consider developing concerted measures for international cooperation to curb corrupt practices, as well as developing technical expertise to prevent and control corruption.

Article 11

Actions taken in furtherance of this Declaration shall fully respect the national sovereignty and territorial jurisdiction of Member States as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms as recognized by the United Nations.

DRAFT RESOLUTION III

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 50/147 of 21 December 1995,

Having considered the report of the Secretary-General,[13]

1. Commends the efforts of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. Reiterates the need for the strengthening of the Institute's capacity to support a national mechanism for crime prevention and criminal justice of African countries, in view of the contribution that the Institute can make to the crime prevention and criminal justice programme;

3. Requests the Secretary-General to intensify efforts and mobilize all relevant entities of the United Nations system to provide necessary financial and technical support to the Institute to enable it to fulfil its mandate;

4. Also requests the Secretary-General to make concrete proposals on strengthening the programmes and activities of the Institute and to report thereon to the General Assembly at its fifty-second session;

5. Further requests the Secretary-General to enhance regional cooperation, coordination and collaboration on the fight against crime, especially in its transnational dimensions, which could not be adequately dealt with by national action alone;

6. Appeals to all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and in the elaboration and implementation of programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

7. Urges the member States of the Institute to make every possible effort to meet their obligations to the Institute.

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[13] A/51/450.

DRAFT RESOLUTION IV

Measures for prevention of the smuggling of aliens

The General Assembly,

Recalling its resolution 48/102 of 20 December 1993 in which, inter alia, it condemns the practice of smuggling aliens and urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens,

Recalling also Economic and Social Council resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Concerned at the increasing activities of criminals and criminal organizations that profit illicitly by smuggling human beings, preying on the dignity and lives of migrants and adding to the complexity of the phenomenon of increasing international migration,

Aware that such activities endanger the lives of those individuals and impose severe costs on the international community, in particular upon certain States that have been called upon to rescue and to provide medical care, food, housing and transportation for those individuals,

Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities,

Noting that smugglers, in particular in the State of destination of alien smuggling, frequently force migrants into forms of debt, bondage or servitude, often involving criminal activities, in order to pay for their passage,

Recognizing that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, signed at Geneva on 7 September 1956,[14] to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Convinced of the need to provide humane treatment and protect the full human rights of migrants,

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[14] United Nations, Treaty Series, vol. 266, No. 3822.

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Civil Aviation Organization and the International Maritime Organization in responding to the requests from States for assistance in dealing with the smuggling of aliens,

Emphasizing the importance of international cooperation and, in particular, the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. Condemns the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants;

2. Commends those States which have cooperated to combat alien smuggling and to respond to specific incidents in which smuggled aliens have needed to be dealt with according to international standards and the domestic laws and procedures of the States concerned and returned safely to appropriate destinations;

3. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

4. Requests States to cooperate in order to prevent the illegal transport by smugglers of third-country nationals through their territory;

5. Also requests States to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, continuing to improve the requirements for registration of vessels and to implement relevant international agreements;

6. Further requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens on ships, and to ensure, in accordance with their national legislation, that prompt and effective action is taken against the smuggling of aliens by sea;

7. Calls upon States to enhance bilateral and multilateral cooperation in the fight against criminal organizations responsible for the smuggling of aliens;

8. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of smuggling of aliens;

9. Reaffirms the importance of existing international conventions in preventing the economic exploitation and loss of life that can result from alien smuggling, and calls upon all States to exchange information and to consider ratifying or acceding to those conventions if they have not done so and fully to implement and enforce such conventions;

10. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees;

11. Reaffirms the need to observe fully international and national law in dealing with the smuggling of aliens, including the provision of humane treatment and strict observance of all human rights of migrants;

12. Requests the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens at its sixth session, to be held in 1997, in order to encourage international cooperation to address this problem within the framework of its mandate;

13. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations.

## DRAFT RESOLUTION V

### Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to the resolution,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes, such as terrorist crimes, illicit arms trade and money-laundering, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities in order to assist countries, in particular developing countries and countries in

transition, with their efforts in translating United Nations policy guidelines into practice,

Recalling its relevant resolutions, in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandates, in conformity with the high priority attached to the Programme,

1. Takes note with appreciation of the report of the Secretary-General[15] on the progress made in the implementation of General Assembly resolutions 50/145 and 50/146 of 21 December 1995;

2. Reaffirms the importance of the United Nations Crime Prevention and Criminal Justice Programme and the crucial role it has to play in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the priority of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with the relevant resolutions, and the need for an appropriate share of the existing United Nations resources for the Programme;

4. Welcomes the upgrading of the Crime Prevention and Criminal Justice Branch to a division, while noting the severe impact of the budgetary cuts on its capacity to deliver the services required by Member States;

5. Reaffirms its resolution 50/214 of 23 December 1995, and requests the Secretary-General to ensure, in particular, the full implementation of section III, paragraphs 29 and 30, of that resolution;

6. Requests the Secretary-General to strengthen further the United Nations Crime Prevention and Criminal Justice Programme by providing it with the resources necessary for the full implementation of its mandates, including follow-up action to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime[16] and to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;[17]

7. Reaffirms the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice and stresses the need to continue to improve the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, in particular in

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[15] A/51/327.

[16] See A/49/748, annex, sect. I.A.

[17] A/CONF.169/16.

developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice;

8. Calls upon States and United Nations funding agencies to make significant financial contributions for operational activities of the United Nations Crime Prevention and Criminal Justice Programme, and encourages all States to make voluntary contributions for that purpose to the United Nations Crime Prevention and Criminal Justice Trust Fund, taking also into account the activities required for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

9. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical operational activities in this field and to include such activities in their programmes, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme in such activities and cooperating closely on relevant technical assistance projects and advisory missions;

10. Takes note with appreciation of the contributions of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peacekeeping and special missions, as well as its contributions to the follow-up to those missions, inter alia, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations;

11. Requests the Secretary-General to continue to strengthen cooperation between the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme, in particular in the area of money-laundering;

12. Also requests the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women;

13. Calls upon the Commission on Crime Prevention and Criminal Justice to give effect to its relevant resolutions on strategic management of the United Nations Crime Prevention and Criminal Justice Programme, in particular concerning reporting requirements, submission of proposals and resources mobilization;

14. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session.

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